The
REPORTER
For Conscience' Sake

VOLUME XIII | MAY, 1956 | NUMBER 5

214 Draft Violators Jailed Last Year

The recently issued 1955 report of the Federal Bureau of Prisons reveals that 214 persons were convicted because of Selective violations during the fiscal year ending June 30, 1955. Of this number, 92 were Jehovah's Witnesses, 29 religoius objectors, 8 classified as "other objectors", and 72 violators for reasons other than those of conscience. Thirteen were not separately classified.

The Bureau of Prisons used the classification, "other objectors", to include, "non-religious pacifists, and individuals who appeared to have violated mainly because of strongly held views on social or political matters."

These figures represent a decrease of 128 fewer violators than in the previous year when 342 persons were jailed for violation of the Selective Service Act. The decrease could be partially attributed to the reprocessing of many CO cases on account of court decisions and the delay in trial of many other cases awaitnig clarification of certain legal points by the Supreme Court.

The average sentence received by Selective Service violators was 23.5 months, a decrease by about 5 months of the average sentence of the prior year. Only 35 violators received sentences of one year or less and 6 received the maximum sentence of 5 years. The most frequent sentence was from 2 to 2½ years, 77 violators receiving such sentences.

During the fiscal year 1955, 303 Selective Service violators were released from federal prisons. One hundred and forty of these were Jehovah's Witnesses, 51 religious objectors, 11 other objectors

(*Continued on Page* 2)

Supreme Court Hears Legal Arguments In Civilian Work Refusal Cases

The United States Supreme Court heard legal arguments on cases inovlving three conscientious objectors on May 2 and 3, 1956. All three conscientious objectors involved had been indicted for refusing to perform civilian work. Two of the cases, Johnson and Sokol, had come from the Third Circuit Court which had reversed their acquittal won in the Eastern District of Pennsylvania. The Patteson case was from the Tenth Circuit and the Supreme Court heard the cases because of a conflict between the circuit courts.

The issue involved was the legal question of venue, that is, the question of whether the crime of refusing to obey an order to report for civilian work is committed in the district of the local board or in the district of the hospital to which the man had been ordered.

Hayden Covington, attorney for the Jehovah Witnesses, argued that in a case where a conscientious objector reports to his local board but refuses to proceed further to the hospital to which he has been ordered, that the offense should be tried in the area of the local board. At this point mention was made of the constitutional provisions for trial in the "district wherein the crime shall have been committed." (Sixth Amendment)

Covington further argued that if the trial would be in the district where the work to which the man was ordered was located that the situation could arise where a registrant from a local board in Maine, for example, could be ordered to work in a hospital in California and if he refused to obey the work order, the trial would have to be in California. Furthermore, the argumnt was made that in these cases the defendants were being tried for a crime allegedly committed in a city the defendants had never even visited.

(*Continued on Page* 4)

11% of Presidential Appeals Involve CO Claims

A recent report of the Presidential Appeal Board reveals that of the 8,284 appeals received and adjudicated under the 1948 Draft Act 916 involved conscientious objectors. Of this number 533 were Jehovah's Witnesses. The Board classifies 48 of the appeals as basing their claim as conscientious objection on grounds other than religious.

On the basis of the total number of appeals considered by the Board, the greatest number, in order, originated in New York City, New York State, Illinois, New Jersey, Wisconsin, and Pennsylvania.

Under the 1940 Draft Act the Presidential Appeal Board was made up of personnel from National Selective Service Headquarters. However, under the 1948 Act the Presidential Appeal Board was established independent of Selective Service, its three members being appointed directly by the President and officially known as the National Selective Service Appeal Board.

In January, 1949, President Truman

(*Continued on Page* 2)

Published by the National Service Board for Religious Objectors

The Reporter

For Conscience' Sake
Published by the
National Service Board for
Religious Objectors
Room 403, 491 3rd Street, N. W.
Washington 1, D. C.

Board of Directors
W. Harold Row, Chairman
Wm. T. Snyder, Vice-Chairman
W. Merton Scott, Recording Secretary
Huber F. Klemme, Treasurer
Robert R. Weiskotten
Herman Will

Executive Secretary
C. LeRoy Doty, Jr.

Associate Secretary
Edgar Metzler

Attorney Advisor
Robert B. Myers

Office Secretaries

Thomas Schultz — Emogene Schrock
Ann Hunt — James Shafer
Joyce Locke — Carolyn Schultz

Entered as Second Class Matter at the Post Office at Washington, D. C.
Subscription: $1.00 Per Year
Published Monthly

Presidential Appeals

(*Continued From Page* 1)

appointed the three man board consisting of Martin V. Coffey, Paul H. Griffith, and Paul C. Wolman, all of whom are still serving on the Appeal Board.

From January 1949 until June 1950 the Presidential Appeal Board had considered a total of only 102 appeals. However, with the advent of the Korean conflict appeals increased so rapidly that in one month alone, October, 1952, 257 cases were received, twice as many as in the first 18 months of the Appeal Board's existence. A staff of seven, headed by Attorney Edwin J. Dentz, assists the Appeal Board.

The Board has a policy of refusing interviews to people interested in a specific case pending before the Board. However, the Board is very receptive to appearances by persons or organizations having a general deferment or exemption problem.

Because of the many legal complications in conscientious objector cases the staff attorney prepares the Finding of Fact for the Board in such cases. Such findings are adduced strictly from the cover sheet of the registrant. If the Board desires further information, it may ask the local board, state director, or some other agency for information. However, if information is procured which has not been seen by the local board, the cover sheet together with the additional information is returned to the local board so that the local board may reopen the case if it desires. If it does not reopen the case is returned for final adjudication by the Presidential Appeal Board.

One Man's View of COs

I am not a conscientious objector. I do not say that with any particular pride. I say it just as I would say that I am not entirely sanctified. I have got to the place where practical considerations weigh pretty heavily. The minute you talk about working an anti-war program clear through, I see a good many objections. I am not a conscientious objector; but I believe that when war is finally put away it will be the conscientious objectors who do it—people enough in earnest about the matter to say, "We will stand up and be shot rather than go to war for any purpose whatever." That embodies a great deal of risk; but does it contain any more risk than the present system? I am not going to volunteer to be shot. That is a type of heroism that I have not attained to; but . . . that is the spirit that will put war out of the way.

I will probably, if another war comes, do exactly as I did before; I am not going to fool myself about it and fall down when the time comes. But just the same, the men that are going to put war out of existence are the men who say, "We will not go under any circumstances—offensive, defensive or any other kind, I am not going to do it." That is the type of men that are going to put war out of the way.

—Bishop Francis J. McConnell speaking at Smithfield Methodist Episcopal Church, Pittsburgh, Feb. 27, 1924 (Fellowship).

Draft Violators

(*Continued From Page* 1)

and 101 violators for reasons other than objection to war. The average sentences received by these men again indicate that individuals convicted because of conscientious objection to war are generally more severely sentenced than those who violate the Selective Service law for other reasons. Of those men who were released during 1955, the average sentence for Jehovah's Witnesses was 32.3 months, religious objectors had been sentenced an average of 31.8 months, other objectors 43.6 months while those who violated for reasons other than conscientious objection received an average sentence of only 20.9 months.

COs continue to receive more favorable consideration for parole than other inmates of Federal prisons. The percentage of paroles granted for all offenses last year was 35.2, while for Selective Service violators the percentage was 83.2.

Among Jehovah's Witnesses, 88.5% were granted paroles, 90% of the religious objectors and 81.8% of other objectors.

There have been very few conscientious objectors convicted for refusal of induction in the past year. The majority of convictions have been on the basis of refusal to perform civilian work, most of these being Jehovah's Witnesses. The Department of Justice reports that it currently has over a hundred such cases in such process of prosecution.

News Briefs

The case of Mrs. W. W. Lumpkin, the Alabama housewife who had been refused voting privileges because she claimed to be a conscientious objector, has been favorably resolved. According to Attorney Albert J. Tully, it has been determined upon appeal that Mrs. Lumpkin is entitled to registration as a qualified elector in the state of Alabama.

An ex-I-W man has been chosen to star with Marilyn Monroe in the forthcoming movie, "Bus Stop". Don Murray registered as a conscientious objector and served two years in refugee camps and other projects in Europe under the Brethren Service Commission during 1953-54. Murray attended the American Academy of Dramatic Arts and did a few small stage roles before his two years of I-W service. His career since service in the civilian work program indicates he is now on his way to the top in his field.

The conscientious objectors serving as human guinea pigs at Fitzsimons Army Hospital in Denver, Colorado report that foods preserved with atomic rays sometimes taste different. The researchers who have been feeding the COs the atomic-preserved foods report in the Journal of the American Dietetic Association that the most noticeable flavor change appears in ground beef. However, the COs have shown only a slight difference in preference between foods exposed to atomic radiation and the kind bought at grocery stores. The purpose of this research project is to find out how food treated with certain atomic rays changes in flavor and how well the body uses such foods for fuel. Thus far the study has turned up no apparent ill effects.

Pentagon Propaganda Goes All-Out To Sell Reserve Plan

The lack of enthusiasm of American young men for the new reserve program has caused the military to establish an unprecedented program of publicity and propaganda. The full extent of this program is revealed in a recent report of the Committee on Armed Services of the House of Representatives.

"A nationwide public information program has been initiated in order to acquaint the American public with the provisions of the Reserve Forces Act of 1955. The magnitude of this program which has been undertaken in support of the act is believed to be without parallel for any similar activity previously undertaken during peacetime. It has as its primary objective to inform every eligible youth in the Nation of the service opportunities afforded by the act. Of equal importance is the orientation of the more mature segments of the population who are youth's natural advisers, such as parents, educators, religious leaders, and employers. Approximately 370 national organizations, as well as 351 mayors of the principal cities in the United States have been contacted to solicit and support the program. The American Legion, the Chamber of Commerce of the United States, the Boy Scouts of America, the Selective Service, and other national organizations too numerous to mention, are engaged actively in support of the act. While the provisions of the act apply primarily to the Reserve components of the military services, the National Guard through the States adjutants general, is conducting a vigorous recruiting campaign to increase its strength.

"Since the enactment of the act, a continuous flow of face sheets, speakers' guides, TV shorts, radio scripts, and other material has been furnished to provide a basis for large scale publicity efforts. Excellent response has been obtained from the newspaper, radio, and television industries in publicizing the program.

Newspapers Influenced

While virtually every newspaper in the United States has carried numerous articles discussing the act, 36 newspapers surveyed from all sections of the Nation carried 591 articles and editorials favorable to the law as contrasted to 218 unfavorable. These 36 newspapers, with a combined circulation of over 14 million, began their sequence of articles with a ratio of about 2 to 1 in favor of the law. Since the implementation of the act, the favorable ratio has increased to 5 to 1. Extensive coverage has been given by local radio and television stations. One Army area reports that since August 10, over 17,000 spot announcements and programs were presented over 575 stations in the area.

Free Air Time

This public spirited response represents over one-half million dollars in public-service radio and television time made available at no cost. As a specific means of direct contact, active Army and Reserve personnel have delivered thousands of addresses to high school and parent groups. One Army area reports 2,680 such speaking engagements to interested audiences, totaling over 300,000. Another Army area reports 500 appearances before audiences exceeding 520,000 people. Altogether 6,000 speeches have been delivered by Marine Corps personnel to 2,430,000 people and Headquarters Marine Corps has distributed to Reserve units 1,250 TV slides and 975,000 pieces of printed literature for publicity purposes."

In contrast to the program described above, the government makes no effort to acquaint American young men with the provisions of the law for those conscientiously opposed to participation in the armed forces. NSBRO has under consideration several projects which would serve to acquaint the public more fully with the provisions of the draft act for conscientious objectors.

CO Arrested 3 Years Ago Finally Receives I-O

The slow wheels of justice have finally ground out a I-O classification for a CO who was arrested for refusing induction on April 8, 1953. Frank Finke, Wisconsin CO, was out on bail for two and a half years until his case was finally dismissed from court on October 12, 1955.

A recent appeal finally resulted in the I-O classification after three years of uncertainty and waiting.

I-W Reports on Service in Berlin

(EDITOR'S NOTE: The following article contains excerpts from a letter written by George Jenkins of Alhambra, California, to his local draft board. He is currently doing I-W service in Germany and the purpose of the letter was to inform the draft board about the kind of work he is doing.)

I am working, as are four others, here in Berlin, in one of the four barracks that serve as community recreation centers for refugees. Our barrack, which handles 150 people comfortably is the only place for refugees from three camps (currently about 4000 people) to find a clean room to sit or read or play with their children. You can imagine how filled we often are.

"Our team of five people consists of a German leader and a German cleaning woman, a Dutch girl who is presently loaned out to another house where two team members are sick, an American girl and myself. We have a sewing and ironing room, reading room, children's room, and a big hall for checkers and chess, and other German games are available. Craft programs, special afternoons for the men and for the women, movies, theater groups, material aid programs such as food and clothing and sewing supplies, all these keep us busy. When, as yesterday, there are 200 people here at one time and the hours of work per week climb to 80, sometimes the only thing to do is put on your coat and leave.

"They (refugees) have been pouring in at the rate of 800-1000 a day lately. It is truly tragic. Upon their arrival here, they are judged as to political persecution and social acceptability to see if they should be sent on to the West. If they are given help by the West Government, that is a place to live and work, they may leave in 2-3 weeks. Because of the expanding German economy many people have been flying out very quickly.

"But many are left behind. The three camps that our house serves contain only those left behind. Living 4-60 in a room, in one camp new-born babies, mixed adolescents, men and women together, the war of nerves becomes unbearable. Many of the people were socially misfit before they came. Many others become that way here. The number of illegitimate parents is astounding. For two days work they earn 75 cents, for the down at heart and the confirmed alcoholic, that is enough for one good binge. Two specialities I have developed here are getting crying children to stop crying (75% of the ones I know are sick, most of them with bronchitis, many in hospitals) the second trick is removing drunks from the house. The situation in the camps where people are there only a few weeks is much different, but these are my people.

Labor Law Conflicts With Dunkard Belief In Nonresistance

The much heralded right of religious freedom—in this instance, conscientious objection to the use of force and violence in labor unions—has once again come in conflict with the law of the land. Leaders of the Old German Baptist Church appealed here to high government and union leaders, including Secretary of Labor James P. Mitchell and AFL-CIO President George Meany, against employment discrimination from which their members suffer because of religious tenets forbidding participation in unions.

The delegation presented a statement saying that while labor unions "had accomplished much good for the laboring classes of people, and have raised their standard of living measurably, their group could not join them because unions participate in conflict by "picketing and other means of force which sometimes lead to destruction of property and sometimes bloodshed".

Lester Fisher, of Covington, Ohio, spokesman for the group, said members of the 250-year-old sect (it has the same history as the Church of the Brethren) find many jobs closed to them because they will not join unions. It was pointed out that the group represented largely a rural people who are now confronted with a growing problem whereby more and more of their boys were being crowded off the farm. In their words "with the recent merger of the two largest labor unions, and their program for expansion . . . we have before us a problem which is hard to cope with".

The delegation hopes to work out "a mutual understanding" with labor leaders under which members of the group could work in union-organized plants but donate the equivalent of union dues to some public charity. It was pointed out that they do not desire to individually profit above that accorded to union members for the same labor, but they do want to avoid discrimination in making a livelihood for their families.

In addition to Secretary Mitchell and President Meany, the group conferred with James B. Carey, President of the Electrical Workers Union, and John Owens, Secretary-Treasurer of the United Mine Workers. The union officials listened sympathetically to the concerns of the group and promised to discuss the problem with their respective executive councils.

Evanston I-W Men Report on Staff Attitudes Toward COs

In answer to the question, "What attitudes do you find reflected by patients and staff toward you, a CO," the following were given by I-W men at Evanston, Ill.

"I think that the people with whom we come in contact admire and respect our convictions. They think that we are doing a wonderful service here and that we are setting a very good example. Some people may take advantage of us but as a whole they are very well pleased with our services and show it."

Another I-W gave a little different view of the subject when he said, "Our work is generally well thought of, and the hospital administration is certainly glad to have us here, but attitudes toward conscientious objection is another matter. The attitudes I have met up with here and elsewhere run the gamut: admiration, respect, sympathy, understanding, toleration, bafflement, indifference, disapproval, scorn, open hostility, and disparagement. More than once I have heard here such unreasoning statements as 'all CO's are yellow', but these are the exception rather than the rule. If I were to guess what is the most prevalent attitude, I would say that it is a disinterested or indifferent acceptance. Indifference is in many ways more of a challenge than open hostility."

Kansas City I-W Men Perform Plus Service

COs doing their alternate service in hospitals and other types of work in Kansas City have organized to express their service motives "above and beyond the call of duty". Phillip Lee Headings, CO from Hutchinson, Kansas, reports they have helped needy families. "We get our information from the Welfare Department, pastor and friends. In the past we have given out food boxes, cleaned and painted rooms, moved people, given blood, etc."

Supreme Court

(*Continued From Page* 1)

The Government, on the other hand, contended that the duty to report for civilian employment can only be complied with at the place of the employment and so the refusal to obey a work order is a crime committed in the judicial district of the hosptial or other place at which the work was to be performed. The Government pointed out that while in World War II conscientious objectors reported to their local board and then were given transportation to CPS camps, under the present system there are no such provisions and the CO could get to the place of employment by any means he chose. The Government further pointed out that a policy of bringing work refusers to trial in the judicial district where the work to which he had been ordered is located would not in practice involve hardship. The reason advanced was that in those CO cases where a work order is finally approved by the National Director the CO is, with very few exceptions, assigned to work within his own state.

In addition to the constitutional question involved, which could be applicable in situations other than conscientious objector cases, these cases are of interest to the Government because of the large number of work refusal cases which are awaiting prosecution until it is determined where is the correct place to prosecute in such cases.

The oral arguments before the Supreme Court were highlighted by intensive and sometimes spirited exchanges between the justices and the attorneys. It will probably be several weeks before the Court hands down a decision in these cases. While the cases are important from a legal point of view, they do not involve the same sort of civil rights issues as has been true in many other CO cases before the Supreme Court.

THE REPORTER
For Conscience' Sake
401 Third St., N. W., Room 403
Washington 1, D. C.

FORWARDING POSTAGE GUARANTEED

Entered as Second-Class Matter
at the Post Office at Washington, D. C